

**REMARKS**

Claims 7-9 and 17 have been examined, and claims 1-6 and 12-16 have been withdrawn from consideration.

**35 U.S.C. § 102:**

Claims 7-9 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bohlen et al. (U.S. Patent 4,513,203 [hereinafter “Bohlen”]).

The Examiner cites Fig. 4I of Bohlen for allegedly disclosing a beam adjusting sample including a microstructure attached to a surface of the sample. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.<sup>1</sup> Bohlen does not anticipate claim 7.

Claim 7 recites, *inter alia*, a microstructure including latex balls attached on the surface of the beam adjusting sample. Neither of the alleged microstructures (i.e., “M” in Fig. 4I and 47 in Fig. 4G) discloses or even suggests the recited microstructures, which contribute to the overall unique combination of claimed elements. Therefore, Applicants respectfully submit that Bohlen fails to disclose each feature of claim 7, such that the rejection thereof under 35 U.S.C. § 102(b) should be withdrawn. The rejection of claims 8, 9 and 17 should also be withdrawn at least by virtue of their respective dependencies upon claim 7.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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<sup>1</sup> See MPEP §2131.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No.: 10/679,416

ATTORNEY DOCKET: Q77786

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

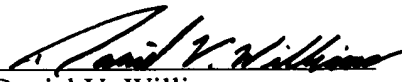
Respectfully submitted,

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**23373**

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